

MINUTES OF THE LAFAYETTE COMMON COUNCIL
October 9, 2006
REGULAR MEETING

The Common Council of the City of Lafayette, Indiana met in regular session on Monday, October 9, 2006 at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Brown called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Heide, Klinker, Meyer, Campbell, Rhoda, Williamson, Smith and Brown

Absent: Probasco

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilman Campbell moved to approve the minutes from the September 18, 2006 Special Session, Councilwoman Williamson seconded. The Motion passed by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated the following reports are available in the Clerk's Office:

Clerks Office Monthly-September 2006
Motor Vehicle, Fleet Maintenance Monthly-August 2006
Water Pollution Control Monthly-August 2006
Water Works Plant Monthly-August 2006
Police Department Monthly-August 2006
Police Traffic Monthly-June, July, August 2006

Ordinances for Second Reading

The Clerk read Ordinance 2006-26 (An Ordinance Voluntarily Annexing Certain Lands into the City of Lafayette, Indiana) by title only on second and final reading. Councilman Campbell moved for passage, Councilman Meyer seconded. Councilman Campbell moved to amend ordinance 2006-26 in its entirety. Councilman Meyer seconded. Dennis Carson, Director of Development, spoke on behalf of the amendment stating the F & L Family Farms Limited Partnership's had requested to be withdrawn from the petition included in the annexation, the area map and property description. The amendment passed on roll call vote 7-0. Ordinance 2006-26, as amended, passed 7-0 on a roll call vote on second and final reading.

Ordinances for First Reading

The Clerk read Ordinance 2006-27 (An Ordinance Vacating a Certain Right of Way and Designating a time when the same shall take effect, An area of Creasy Lane and Amelia Avenue, Mennen Builders, Petitioner) by title only on first reading. Councilman Meyer moved for passage, Councilman Smith seconded. Councilman Campbell requested Ordinance 2006-27 be referred to the Ordinance Committee for further review at the request of the petitioner, Councilman Rhoda seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 2006-28 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, R3 & R2 to PDRS, area between Valley St and South 9th St, known as Payne Apartments, CMZ Investments, Petitioners) by title only on first and final reading. Councilman Klinker moved for passage, Councilman Heide seconded.

Councilman Meyer and City Attorney Ed Chosnek left the Chamber at 7:10 p.m. due to a conflict with the ordinance.

John McBride, attorney representing the petitioner, spoke on behalf of the proposal. Ordinance passed 6-0 on a roll call vote on first and final reading.

Councilman Meyer and Mr. Chosnek returned to the Chamber at 7:18 p.m.

The Clerk read Ordinance 2006-29 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from R2U to NBU, Perrin Avenue Bed and Breakfast) by title only on first and final reading. Councilman Campbell moved for passage, Councilwoman Williamson seconded. Lisa Solowold, Petitioner, spoke on behalf of the proposal, stating they were requesting to rezone the property at 1219 Main Street, to allow their bed and breakfast to serve afternoon teas with light food service, which is not currently allowed in the Unified Zoning Ordinance (UZO), section 4-11-6, Bed and Breakfast chapter. Mrs. Solowold has discussed the proposed zoning changes with several neighbors regarding the types of businesses that could be allowed in the future if the bed and breakfast were to vacate the area. Mrs. Solowold also stated she would be willing to have a sixty day clause, stating if the property was sold, the zoning change would revert back to R2U zoning. Mrs. Solowold informed Council that the “teas” have currently been discontinued after being informed they were not within the scope of the ordinance. Mrs. Solowold would consider delaying this proposal so that the Area Plan Commission (APC) could revisit the Bed & Breakfast portion of the zoning ordinance. Councilman Campbell expressed concern over Mrs. Solowold’s request stating it would set a precedent for other requests and requested that Sallie Fahey, Area Plan Executive Director, who was also present in the audience, speak on behalf of the recommendations of the Area Plan Commissions staff report regarding this proposed zoning change. Mrs. Fahey stated the staff report had recommended an accessory to the Bed and Breakfast Ordinance be presented to Area Plan Commission Executive Committee, to allow, “light, limited food services”, with restrictions on days and hours of operation along with seating capacity at a bed and breakfast. Councilman Klinker questioned the length of time it would take the change to go through APC for presentation to City Council. Mrs. Fahey stated the January 2007 City Council Meeting would be the earliest. Councilman Klinker questioned if the neighbors in the audience would be in support of the Bed and Breakfast having the “teas” if the UZO chapter was amended to allow such an event. Ann Ginda, President of the Saint Mary’s Neighborhood Association, spoke on

behalf of the neighbors, stating they were in full support of the “teas” and was anxious for the event to continue. Mrs. Fahey stated for the record, “This in no way affects the operation of the Bed and Breakfast; it only affects the operation of the tea service”. Councilman Klinker motioned to table Ordinance 2006-29 until December 4, 2006 to allow for the proposed changes to be addressed with the APC, Councilman Campbell seconded. The Motion to table Ordinance 2006-29 until time certain, December 4, 2006, passed by unanimous voice vote.

The Clerk read Ordinance 2006-30 (UZO Amendment #52 (Omnibus) Minor changes to several sections of Ordinance) by title only on first and final reading. Councilman Campbell moved for passage, Councilman Smith seconded. Mrs. Fahey gave a brief explanation of the proposed changes. Ordinance 2006-30 passed 7-0 on a roll call vote on first and final reading.

Resolutions

The Clerk read Resolution 2006-13 (A Resolution to Amend the Comprehensive Plan of Tippecanoe County to include the Multi-Hazard Mitigation Plan of Tippecanoe County 2006) by title only on first and final reading. Councilman Klinker moved for passage, Councilman Meyer seconded. Mrs. Fahey spoke on behalf of the proposal highlighting issues regarding community benefits for disaster relief and the affect this plan will have in the future. Mrs. Fahey also informed Council since the passage of this plan by the Area Plan Commission; confirmation has been received from FEMA and Indiana Homeland Security that this plan will qualify as a flood mitigation plan. Resolution passed 7-0 on a roll call vote on first and final reading.

There were no Reports of Standing Committees.

Councilman Klinker recommended a formal request be sent to Area Plan Commission Executive Committee regarding the proposed changes to the Bed and Breakfast zoning as mentioned in Ordinance 2006-29, Councilman Smith seconded. The Motion passed by unanimous voice vote.

There were no Reports of Special Committees.

Report by Mayor:

Mayor Roswarski requested Council to schedule a Special meeting to amend Ordinance 2006-09 (An Ordinance Concerning the Acquisition, Construction and Improvement by the City of Lafayette, Indiana, of certain sewage works, the issuance and sale of sewage works revenue bonds to pay the costs thereof and to refund certain outstanding sewage works revenue bonds, the collection, segregation and distribution of the revenues of the sewage works, the safeguarding of the interests of the owners of such bonds, the issuance of notes in anticipation of such bonds, the appropriation or the proceeds of such bonds and notes, and other matters related thereto, including the repealing of ordinances inconsistent herewith). Mayor Roswarski explained with amending Ordinance 2006-09 there would be a 2% savings after costs, resulting in a savings in the amount of \$740,000.00. Ed Chosnek, City Attorney, gave a brief explanation of the wording changes that were necessary from a legal position. Mr. Chosnek also asked Council to consider suspending the rules at that meeting to hear the ordinance for second and final reading expediting the passage and allowing the refinancing of the bond to close on Wednesday, October 18, 2006. Councilman Meyer moved to set a special council meeting for consideration of the amendment to the bond ordinance for Monday, October 16, 2006 at 6:30 P.M., Councilman Klinker seconded. The motion passed by unanimous voice vote.

There was no Miscellaneous or New Business.

There were no Reports of Councilman.

Public Comment:

Perry Barbee, 1714 Union Street, expressed concern regarding trash pick up.

With no further business to come before the Council, Councilman President Campbell moved to adjourn, Councilman Rhoda seconded. The meeting was adjourned at 8:10 pm.

Minutes prepared by Cindy Murray, City Clerk

A complete audio of meeting available in the City Clerks office or at www.lafayette.in.gov